

Remarks

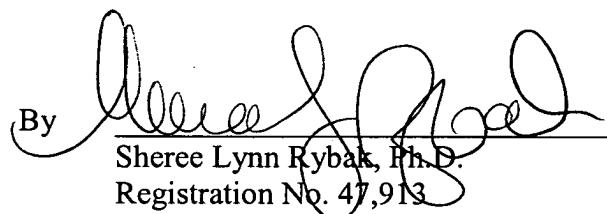
The specification was objected to on the ground that the description of 'MC 38' was less than a full, clear and complete botanical description of 'MC 38' and the characteristics which define 'MC 38' and distinguish 'MC 38' from related cultivars and antecedents. Applicants have amended the specification as follows, to more clearly describe 'MC 38.'

- A. The specification has been amended on page 2 to disclose where the plant was asexually reproduced.
- B. Applicants note that 'Pink Lady' is the brand name of the 'Cripps Pink' variety. To avoid the use of trademarks in the application, the table on page 6 has been amended, and a new Figure 3 is submitted.
- C. The specification on page 3 has been amended to disclose the bark color and the color chart reference number.
- D. The specification on page 3 has been amended to disclose the branch colors and the color chart reference numbers.

In view of these amendments, Applicant requests that the 35 U.S.C. §§ 112, 1st and 2nd paragraph rejections be withdrawn, and a Notice of Allowance issued. If any minor issues remain before a Notice of Allowance is issued, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Amendments to the Drawings

The attached sheet of drawings includes changes to FIG. 3. This sheet replaces the original sheet of drawings.

Attachment: Replacement sheet of FIG. 3